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09/409,128	09/30/1999	EDWARD O. CLAPPER	INTL-0274-US	4951

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TIMOTHY N TROP
TROP PRUNER HU & MILES PC
8554 KATY FREEWAY
STE 100
HOUSTON, TX 77024

EXAMINER

BUI, KIEU OANH T

ART UNIT PAPER NUMBER

2611

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18

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/409,128

Applicant(s)

CLAPPER, EDWARD O.

Examiner

KIEU-OANH T BUI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-17 and 19-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-17, and 19-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

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DETAILED ACTION

Remark

1. Claims 9 and 18 were canceled in the amendment dated 12/1/03.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-8, 10-17, and 19-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Astiz et al.(U.S. Patent 5,918,012) in view of Youden et al. (U.S. Patent 5,815,146).

Regarding claims 1 and 11, Astiz discloses "a method of linking information to video information comprising linking video information with other information; and accessing other information in response to a user selection based on the location of the video information on a frame and frame identifier; and accessing said other information in response to a user selection of a frame selection", i.e., the Astiz system provides linking video information with other information as the viewer selects any display portions on the screen, and based on the location of the video information on a frame and frame identifier, the other information is provided to the viewer in

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response to the viewer's frame selection (see Figs. 3-4 and 7, and col. 6/lines 18-56; and col. 6/line 64 to col. 7/line 36 for frame selection).

Astiz includes a pause function while receiving video stream (Fig. 9, and col. 12/lines 39-65), yet Astiz does not disclose the steps of receiving a video stream, and pausing said video stream "when accessing said other information", yet such a technique of pausing a video program, i.e., halting it or put it in an inactive status, when the user access the other information is taught by Youden, for instance, while performing a pause, a menu is offered to the user for a next command at step 237 (Fig. 7c, and col. 15/lines 1-11), and the user can go to request (step 243) for giving their requests to the system, i.e, accessing different film or movie (col. 10/lines 14-22 & lines 51-67 with the use of a real-time controller (Fig. 2, item 60 for a realtime controller and switch 70 for selectively accessing to diifferent data storage subsystem 92, and col. 8/line 44-col. 9/line 3 for archival storage as sources for programs requested; and col. 10/line 30-67 for the user access to a variety of storage data including archival storage data).

Therefore, it would have been obvious to one of ordinary skill in the art to modify Astiz's technique with Youden's technique of controlling the execution of a video program by automatically suspending a first program when a second program being accessed, for instance, the archival data as the other information being accessed, and resuming back to the first program if the second program is no longer being accessed in order to offer an enhanced system that allow viewers not to miss any portion of a whole broadcasting program while accessing other information during the playback of that program.

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Regarding claims 2, 12 and 22, Astiz further discloses to include the step of “defining a display grid system and specifying at least one location in said grid system using coordinates” (Fig. 7, and col. 11/lines 1-25 for step 73, coordinates are used for obtaining at least one location in the grid system).

Regarding claims 3, 13 and 23, in view of claim 1 above, Astiz further discloses to include “developing a frame identifier using a time code”, i.e., time dimensions regarding as time code for associated with X and Y coordinates of a frame (or image) at that particular point in time (col. 7/lines 1-44 for this concern).

As for claims 4 and 14, in further view of claim 1 above, Astiz further discloses to include “linking to other information without encoding a hyperlink into the video information”, i.e., Astiz’s technique allows the viewer to link from some subject matter on a viewer screen to other data from another URL, namely, from a screen to a screen, based on x and y coordinates without encoding a hyperlink into the video information (Fig. 7, col. 4/lines 48-59, and col. 6/line 56 to col. 7/line 36).

As for claims 5, 15 and 25, in view of claim 1 above, the step of “including linking to other information on the same medium that stores said video information” is disclosed by Astiz as Astiz discloses that information data and other related information data is on the same medium within the system (Fig. 3 shows a same medium system, such as Internet server 33 and map 35 for storing the video information and a map file of video data file, col. 8/lines 6-59).

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Regarding claims 6, 16 and 24, in further view of claim 1 above, Astiz further includes “linking video information on one processor-based system to other information on a separate processor-based system”, i.e., separate processor-based systems are suggested (col. 5/lines 50-67).

Regarding claims 7, 17 and 21, Astiz further discloses the steps of “wherein accessing said other information includes using a pointing device to select a location on a frame” (col. 3/lines 19-20 & col. 6/line 64 to col. 7/line 18 for using a pointing device to select a location on a frame).

Regarding claim 8, Astiz further discloses “wherein using a pointing device includes using a remote control unit”, i.e., a pointing device as a remote control unit is addresses (col. 3/lines 19-20).

Regarding claims 10 and 19, Astiz does not specifically disclose the steps of “automatically resuming the playback of said video stream when the other information is no longer being accessed”, but such a technique of pausing a video program, i.e., halting it or put it in an inactive status, when the user access the other information and automatically resuming the playback of that video program when the other information is no longer accessed is taught by Youden (see Youden, Pause command as of VCR services in col. 14/lines 1-12 and Figs. 11 & 12a-d). Therefore, it would have been obvious to one of ordinary skill in the art to modify Astiz’s technique with Youden’s technique of controlling the execution of a video program by automatically suspending a first program when a second program being accessed and resuming back to the first program if the second program is no longer being accessed in order to offer an

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enhanced system that allow viewers not to miss any portion of a whole broadcasting program while accessing other information during the playback of that program as desired.

As for claim 20, Astiz further discloses “a processor-based system comprising a processor; and a storage coupled to said processor, storing software to link to additional information based on the user's selection” (Fig. 3, with a data processor 30 and a storage as map 35 for storing software or file to link to additional information, see col. 8/lines 6-59).

As for claims 26-27 and 30, in view of claims 9 and 10 above, the combination of Astiz and Youden teaches a method of recording incoming video information comprising storing said video information as received (Astiz, see claim 20 above for a data storage), for playback in the sequence the information was received; allowing playback of any portion of stored video information while continuing to store said incoming video information; and automatically pausing the playback of said video information when the user changes the software focus, while continuing to record the incoming video stream (see Examiner's discussion in claims 9-10 above).

As for claim 28, in view of claim 1 above, Astiz discloses the system to include “linking to different video information based on the user's selection of a location and a frame on a display of video information”, i.e., the Astiz system provides linking video information with other information as the viewer selects any display portions on the screen, and based on the location of the video information on a frame and frame identifier, the other information is provided to the viewer in response to the viewer's frame selection (see Figs. 3-4 and 7, and col. 6/lines 18-56; and col. 6/line 64 to col. 7/line 36 for frame selection).

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As for claim 29, in further view of claims 1 and 28 above, Astiz further discloses “automatically linking to said different video information based on the user's selection of a particular frame location using a pointing device” (col. 3/lines 19-20 & col. 6/line 64 to col. 7/line 18 for using a pointing device to select a location on a frame).

Response to Arguments

4. Applicant's arguments filed on 12/1/03 have been fully considered but they are not persuasive.

The Applicant is totally silent on the teaching of Astiz reference as clearly conducted claim-by-claim analysis from the Examiner through out the Office Action. In order to avoid the teaching of Astiz as a 102 rejection, the Applicant brings in the limitation of claims 9 and 18, which previously cited as the Examiner as the teaching from Youden as a 103 rejection because the Examiner quotes that this feature is not disclosed by Astiz. By amending the claims as the way they do, the Applicant inherently admits and agrees with the Examiner that the Astiz reads on earlier claims. Now the Applicant argues that the Youden is not combinable to the Astiz because Youden reference is “simply a conventional VCR system in which playback may be paused.” This statement is totally incorrect because Youden reference is NOT about “a conventional VCR system”, but it is a video-on-demand system with multiple data sources configured to provide VCR-like services (see Youden, Abstract, and col. 2/line 25 to col. 4/line 35 for an overview on summary again). A pause function is not novel in the art, Astiz teaches this (see action), yet the

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Examiner would like to point out to Youden as while pausing the video, the other information can be accessed. Both references teaches interactive delivery information system related to the Internet with same feature as for pausing the video stream; therefore, the Examiner believes that the combination of these two references are proper and valid, i.e., providing the user a chance for accessing other information while pausing a stream is a clear motivation for doing this.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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6. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:


(703) 872-9306, (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (703) 305-0095. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.


VIVEK SRIVASTAVA
PRIMARY EXAMINER

Krista Bui
Art Unit 2611
February 12, 2004